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COMMITTEE ON THE PEACEFUL USES
OF OUTER SPACE
Legal Sub-Committee

CONSIDERATION OF THE LEGAL ASPECTS RELATED TO THE APPLICATION OF THE PRINCIPLE THAT THE EXPLORATION AND UTILIZATION OF OUTER SPACE SHOULD BE CARRIED OUT FOR THE BENEFIT AND IN THE INTERESTS OF ALL STATES, TAKING INTO PARTICULAR ACCOUNT THE NEEDS OF DEVELOPING COUNTRIES

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COLOMBIA

[Original: Spanish]

[13 February 1990]

There is no domestic legislation relating to the development of the application of the principle set forth in article 1 of the 1967 Treaty on Principles Governing the Activities of States in the Exploration and Use of Outer Space, including the Moon and other Celestial Bodies. The Treaty has not been ratified by Colombia.

The Government of Colombia considers it essential to pursue discussion of the topic of the delimitation of outer space and, as part of the analysis of that topic, to study the sui generis nature of the geostationary orbit, the characteristics of which no doubt make it necessary for it to be governed by a special legal régime which takes account of the needs of the developing world.

SWEDEN

[Original: English]

[13 February 1990]

Swedish legislation on space activities has been conceived on the basis of Sweden's accession to the principles laid down in international instruments pertaining to the regulation of the utilization of outer space, such as the Outer Space Treaty of 1967, the Liability Convention of 1972 and the Registration Convention of 1972.

Swedish national legislation on space activities is based mainly on articles VI and VII of the Outer Space Treaty, i.e., on issues regarding authorization, supervision and liability.

The principle that the exploration and use of outer space shall be carried out for the benefit and in the interest of all countries is embraced by Sweden even though it is not codified in any national space law. It goes without saying that the national law is not conceived in a way that would be contrary to the letter and spirit of the international treaties and conventions to which Sweden has adhered.

One way of complying with the spirit of the Outer Space Treaty is to share knowledge in this field with others.

Sweden has a broad experience of remote sensing and Geographic Information Systems (GIS) at governmental agencies, universities and companies. This experience and know-how could be made available to developing countries where there is a need for mapping and other forms of remote sensing applications. There is an increasing demand for technology transfer in the form of, inter alia, training of both development aid personnel and personnel from developing countries.

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An example of such activities is the Swedish contribution to the United Nations Space Application Programme in the form of a training course on remote sensing education for educators to be held in Sweden this year.

The main objective of the course is to develop the practical knowledge and skills of educators from developing countries in elements of the technology, as may be appropriate, in the education curricula in their own countries.

Furthermore, Swedish experts participate in other remote sensing courses which are held in developing countries and which may be organized together with United Nations and national bodies.

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CZECHOSLOVAKIA

[Original: English]
[20 March 1990]

As a country which actively participates in the exploration and use of outer space for peaceful purposes, Czechoslovakia attaches great significance to the new item on the agenda of the Legal Sub-Committee entitled "Consideration of the legal aspects related to the application of the principle that the exploration and utilization of outer space should be carried out for the benefit and in the interests of all States, taking into particular account the needs of developing countries".

The title of this item is apparently based on the language of the fundamental principle of the 1967 Outer Space Treaty which is contained in its Article I. In the view of the Government of Czechoslovakia the consideration of the new item should therefore start with an analysis of this principle in order to clarify and fix, under the scope of all provisions of the Outer Space Treaty, its legal content. In particular, the question as to what requirements of a legal nature can be derived from this principle, in addition to its moral and philosophical value, should be examined in greater detail. In our opinion this principle, by providing that the exploration and use of outer space "shall be carried out for the benefit and in the interests of all countries, irrespective of their degree of economic or scientific development, and shall be the province of all mankind", sets certain limits for the freedom of exploration and use by all States which is declared in the following paragraph of the same Article and further qualified by the elements of non-discrimination of any kind, equality and rule of international law.

For this purpose, an attempt at interpreting the terms "for the benefit and in the interests" and similarly "the province of mankind", bearing in mind their close relation to the words "the exploration and use of outer space", should be made in order to establish the correct meaning of this principle.

In comparison with the language of Article I of the Outer Space Treaty the title of the new item slightly differs, using the term "utilization" instead of "use" (this difference having probably no legal significance) and by using the term "all States" instead of "all countries", a difference which may have certain legal implications. Moreover, a sentence "taking into particular account the needs of developing countries" replaced in the title of the item the original language of Article I which reads "irrespective of their degree of economic or scientific development". Though it is not quite clear whether the new sentence in the title of the item should be attached to the words "consideration of the legal aspects" or rather to "the application of the principle", the exact consequences of this change should be examined in order to establish the interrelation between the principle of Article I and the new subject for the Legal Sub-Committee's endeavours.

In the view of the Government of Czechoslovakia the main thrust in the consideration of the new item should lead to strengthening and further developing international co-operation in the peaceful exploration and use of outer space the promotion of which was already stipulated in Article XI of the Outer Space Treaty. This could be done by identifying specific areas in which international co-operation could be progressively developed and by agreeing on specific forms for each of the areas thus identified. Adequate legal frameworks should be also considered in connection with the specifics of the areas concerned. Of course, all these questions should be considered in the special light of "the needs of developing countries" as explicitly required by the language of the agenda item. Special problems of developing countries, such as their difficulties and obstacles in the access to the results of the exploration and utilization of outer space, or in their direct participation in space activities, should be examined in greater detail. The question of improving the existing practice of States in this respect and/or establishing an appropriate legal and institutional framework that would streamline such co-operation would be the theme for the ultimate outcome of the consideration of this item in the Legal Sub-Committee and the Committee on the Peaceful Uses of Outer Space.

The title of this item, however, is broad enough, thus permitting discussions of many aspects related to the application of the said principle. Therefore, the Government of Czechoslovakia finds much merit in the proposal by the Netherlands that the question of space debris be considered under this item (doc. A/AC.105/C.2/L.171, 21 March 1989). The growing number of space debris and their concentration in important parts of outer space which are essential for the exploration and utilization of outer space for the benefit and in the interests of all States creates a growing risk for these activities and should be prevented. The consideration of legal aspects of this problem in the Legal Sub-Committee under the new item might be accompanied by the examination of the scientific and technical aspects of this issue in the Scientific and Technical Sub-Committee in order to reduce the risk arising from the growing number of space debris. Joint efforts of both Sub-Committees could lead to the elaboration of internationally agreed rules dealing with this subject.

In Czechoslovakia there are no national laws relating to the development of the application of the principle contained in Article I of the 1967 Treaty on Principles Governing the Activities of States in the Exploration and Use of Outer Space, including the Moon and other Celestial Bodies.

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Legal Sub-Committee

CONSIDERATION OF THE LEGAL ASPECTS RELATED TO THE APPLICATION OF THE PRINCIPLE THAT THE EXPLORATION AND UTILIZATION OF OUTER SPACE SHOULD BE CARRIED OUT FOR THE BENEFIT AND IN THE INTERESTS OF ALL STATES, TAKING INTO PARTICULAR ACCOUNT THE NEEDS OF DEVELOPING COUNTRIES

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CUBA

[Original: Spanish]

[22 March 1990]

Cuba attaches great importance to the exploration and utilization of outer space for peaceful purposes. This is evidenced by the fact that, in addition to participating actively in the Intercosmos programme, the Republic of Cuba has ratified the Treaty on Principles Governing the Activities of States in the Exploration and Use of Outer Space, including the Moon and Other Celestial Bodies, the Agreement on the Rescue of Astronauts, the Return of Astronauts and the Return of Objects Launched into Outer Space, the Convention on International Liability for Damage Caused by Space Objects and the Convention on Registration of Objects Launched into Outer Space.

With respect to the item on "Consideration of the legal aspects related to the application of the principle that the exploration and utilization of outer space should be carried out for the benefit and in the interests of all States, taking into particular account the needs of developing countries", the Government of the Republic of Cuba takes the view that consideration of the topic should have a legal character and accordingly should be geared to working out a legal framework which guarantees the following:

(a) Access by all countries, especially the developing countries, to the benefits resulting from the exploration and utilization of outer space;

(b) Protection of the right of countries which have little or no space capability to participate fully in the exploration and utilization of outer space where the necessary material conditions for this exist.

The development and subsequent systematization of the principle of international co-operation in the area under consideration, which is enunciated in article 1 of the 1967 Outer Space Treaty, would contribute greatly to the achievement of this objective.

As regards the item under consideration, this would require broadening the discussion to include resolutions, declarations and other documents enbodying the elements which make up the principle of international co-operation among States.

In that connection, the Government of the Republic of Cuba considers that the following documents should be considered:

(1) The Declaration on the Establishment of a New International Economic Order (resolution 3201 (S-VI), adopted by the General Assembly on 1 May 1974);

(2) The Programme of Action on the Establishment of a New International Economic Order (resolution 3202 (S-VI), adopted by the General Assembly on 1 May 1974);

(3) The Charter of Economic Rights and Duties of States (resolution 3281 (XXIX), adopted by the General Assembly on 12 December 1974);

(4) Development and international economic co-operation (resolution 3362 (S-VII), adopted by the General Assembly on 16 September 1975).

LIBYAN ARAB JAMAHIRIYA

[Original: Arabic]

[12 April 1990]

The great Socialist People's Libyan Arab Jamahiriya commends the efforts of the Committee in seeking the best means of devising the optimum methods for the legal regulation of space and its peaceful utilization in the service of mankind.

At a time when the world has witnessed an appreciable increase in innovations in the quality and quantity of services in the field of communications and rapid and formidable developments in the fields of information, remote sensing, space energy systems and the like, the situation of certain States, and particularly the developing countries, is nevertheless characterized by an inability to have convenient access to the services made available by such an enormous expansion.

The Jamahiriya does not as yet have the capacities that would enable it to contribute to these astonishing discoveries in space. At the same time, it is nevertheless endeavouring to employ all modern scientific methods in developing its capabilities in this field. The Jamahiriya is also not yet a party to the 1967 Treaty on Principles Governing the Activities of States in the Exploration and Use of Outer Space, including the Moon and Other Celestial Bodies, but nevertheless accords great importance to following the work of the Committee on the Peaceful Uses of Outer Space and its Scientific and Legal Sub-Committees. This has led to the formation of a National Committee on the peaceful utilization of outer space and the elimination of its use for military purposes. The Jamahiriya participates actively in the relevant pan-Arab, pan-African and international conferences, is a party to the agreement establishing the Arab Satellite Communications Organization (ARABSAT), is a member of the International Telecommunication Organization (INTELSAT) and makes use of the opportunities made available by the International Maritime Satellite Organization (INMARSAT) and the INTERSPUTNIK System.

It makes good use of a number of important technical applications of remote sensing in the meteorological field, in order to receive data relating to weather forecasting, and in the preparation and updating of topographical information.

The Jamahiriya is a member of the International Telecommunication Union, is a signatory of the International Telecommunication Convention and the Final Act of the World Administrative Radio Conference on the Use of the Geostationary-Satellite Orbit and the Planning of the Space Services Utilizing It, just as the Jamahiriya enjoys membership of numerous related international agencies such as the International Atomic Energy Agency, among others.

The Jamahiriya has great hopes of the new item on the agenda of the Legal Sub-Committee, namely "consideration of the legal aspects related to the application of the principle that the exploration and utilization of outer space should be carried out for the benefit and in the interests of all States, taking into particular account the needs of the developing countries", the subject of the Secretary-General's letter of 18 December 1989 relating to paragraph 90 of the report of the Committee on the Peaceful Uses of Outer Space. 1/ Consideration of that item should lead to a narrowing of the wide gap between countries that have a space capacity and the developing countries in the field of the utilization and exploration of outer space. It therefore supports the following:

1. The legal regulation of a system for the technical data arising from the exploration and utilization of outer space and its being made available for the use and benefit of all countries, taking into particular account the needs of the developing countries, and assured and convenient access to that system so that it will be of general benefit.

2. Provision for the needs of the developing countries in international space programmes, and steps to enable those countries to participate actively in such programmes.

3. Elaboration of methods to upgrade the scientific and technical capabilities of the developing countries in the various space fields in such a manner as to enable them to tackle important issues such as the occurrence of catastrophies brought about by environmental pollution or the re-entry of space objects, and the promotion of exchanges and consultations in such a way as to enable those countries to realize their various development programmes relating to the matter.

Notes

1/ Official Records of the General Assembly, Forty-third Session, Supplement No. 20 (A/43/20).